

76-4-204 Criminal solicitation -- Penalties.

(1) Criminal solicitation to commit:

- (a) a capital felony, or a felony punishable by imprisonment for life without parole, is a first degree felony;
 - (b) except as provided in Subsection (1)(c) or (d), a first degree felony is a second degree felony;
 - (c) any of the following offenses is a first degree felony punishable by imprisonment for an indeterminate term of not fewer than three years and which may be for life:
 - (i) murder, Subsection 76-5-203(2)(a);
 - (ii) child kidnapping, Section 76-5-301.1; or
 - (iii) except as provided in Subsection (1)(d), any of the felonies described in Title 76, Chapter 5, Part 4, Sexual Offenses, that are first degree felonies;
 - (d) except as provided in Subsection (2), any of the following offenses is a first degree felony, punishable by a term of imprisonment of not less than 15 years and which may be for life:
 - (i) rape of a child, Section 76-5-402.1;
 - (ii) object rape of a child, Section 76-5-402.3; or
 - (iii) sodomy on a child, Section 76-5-403.1;
 - (e) a second degree felony is a third degree felony; and
 - (f) a third degree felony is a class A misdemeanor.
- (2) If, when imposing a sentence under Subsection (1)(d), a court finds that a lesser term than the term described in Subsection (1)(d) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
- (a) 10 years and which may be for life;
 - (b) six years and which may be for life; or
 - (c) three years and which may be for life.

Amended by Chapter 179, 2008 General Session